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7 **UNITED STATES DISTRICT COURT**
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9 **EASTERN DISTRICT OF CALIFORNIA**

10 CYNTHIA MARIE IGASAN,

11 Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant.

Case No. 1:23-cv-00031-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY SANCTIONS
SHOULD NOT BE IMPOSED FOR
FAILURE TO FILE OPENING BRIEF

(ECF Nos. 5, 11)

DEADLINE: FIVE DAYS

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17 On January 5, 2023, Plaintiff Cynthia Marie Igasan filed this action seeking judicial
18 review of a final decision of the Commissioner of Social Security (“Commissioner”) denying
19 an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On
20 January 9, 2023, the Court issued a scheduling order. (ECF No. 5.) Pursuant to the scheduling
21 order, Plaintiff’s motion for summary judgment was due 45 days after the filing of the
22 administrative record. (*Id.* at 2.) The administrative record was lodged on April 10, 2023 (ECF
23 No. 11); thus, Plaintiff’s motion for summary judgment was due by May 25, 2023. As of May
24 26, 2023, however, neither a motion for summary judgment, nor other filings, have been
25 submitted.

26 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
27 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
28 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to

1 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
2 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
3 2000).

4 Plaintiff's failure to timely file the motion for summary judgment, or seek an extension to
5 do so, constitutes a failure to comply with the Court's order. Accordingly, Plaintiff will be
6 directed to show cause why sanctions should not issue for failure to file the motion for
7 summary judgment in compliance with the Court's January 9, 2023 scheduling order (ECF No.
8 5).

9 Based on the foregoing, IT IS HEREBY ORDERED that **within five days of the**
10 **electronic filing of this order**, Plaintiff shall show cause in writing why sanctions should not
11 issue for the failure to comply with the Court's orders and timely file a motion for summary
12 judgment in this matter. Failure to comply with this order will result in the imposition of
13 sanctions up to and including dismissal of this action.

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15 IT IS SO ORDERED.

16 Dated: May 26, 2023



UNITED STATES MAGISTRATE JUDGE

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